REMARKS

In the Office Action,[1] the Examiner rejected claims 1, 5-8, 11, 12, 14, 16 and 18 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 7,007,278 to Gungabeesoon ("*Gungabeesoon*") in view of U.S. Patent No. 6,449,617 to Quinn et al. ("*Quinn*") in further view of U.S. Patent No. 7,003,482 to Margoscin et al. ("*Margoscin*"); and rejected claims 2, 9, 13, and 17 under 35 U.S.C. § 103(a) as being unpatentable over *Gungabeesoon* in view of *Quinn* and *Margoscin*, and in further view of "Database Performance in the Real World: TPC-D and SAP R/3" by Doppelhammer et al. ("*Doppelhammer*").

Rejection of Claims 1, 5-8, 11, 12, 14, 16, and 18 Under 35 U.S.C. § 103(a)

Applicants respectfully traverse the rejection of claims 1, 5-8, 11, 12, 14, 16, and 18 under 35 U.S.C. § 103(a) as being anticipated by *Gungabeesoon* in view of *Quinn* and in further view of *Margoscin*. A *prima facie* case of obviousness has not been established.

"The key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious." M.P.E.P. § 2142(III), 8th Ed., Rev. 6 (Sept. 2007). "[T]he framework for objective analysis for determining obviousness under 35 U.S.C. 103 is stated in Graham v. John Deere Co., 383 U.S. 1, 148 USPQ 459 (1966). . . . The factual inquiries . . . are as follows:

(A) [Determining the scope and content of the prior art;]

[1] The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

(B) Ascertaining the differences between the claimed invention and the prior art; and

(C) Resolving the level of ordinary skill in the pertinent art."

M.P.E.P. § 2141(II). "Office personnel must explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art." M.P.E.P. § 2141(III).

For at least the foregoing reasons, the scope and content of the prior art have not been properly determined, and the differences between the prior art and claim 1 have not been properly ascertained. Accordingly, no reason has been clearly articulated as to why the prior art would have rendered claim 1 obvious to one of ordinary skill in the art. Therefore, a *prima facie* case of obviousness has not been established with respect to claim 1.

Claim 1 recites a computer program product, including "the converted design-time representation of the application is generated from an original design-time representation of the application developed for use in a first run-time environment." At least these features are not disclosed or suggested by *Gungabeesoon*, *Quinn*, and *Margoscin*.

The Office Action appears to allege that the legacy run-time application 122 in *Gungabeesoon* is analogous to the "application" recited in claim 1. *See* Office Action, pg. 4, line 7. Even if this allegation is correct, which Applicants do not concede, *Gungabeesoon* does not teach or suggest "the converted design-time representation of

the application is generated from an original design-time representation of the application developed for use in a first run-time environment," as recited in claim 1.

Gungabeesoon discloses an environment allowing legacy applications to "continue running [] in their native environment while simultaneously allowing a variety of clients to access the legacy applications." (Col. 7, lines 53-55). Specifically, *Gungabeesoon* discloses that "the proprietary user interface (UI) definitions of the native application screens ... are stored separately in screen definition files." (Col. 8, lines 44-47). Moreover, *Gungabeesoon* discloses that "prior to runtime, the proprietary screen definitions 440 are parsed and converted at step 510 to a format that can be rendered by any pervasive computer Internet user agent. (Col. 8, lines 48-50). That is, in *Gungabeesoon,* only the UI representation of the legacy application is converted from the original legacy application. *Gungabeesoon*, however, does not disclose that "the converted design-time representation of the application is generated from an original design-time representation of the application," as recited in claim 1 (emphasis added). Therefore, *Gungabeesoon* does not disclose or teach "the converted design-time representation of the application is generated from an original design-time representation of the application developed for use in a first run-time environment," as recited in claim 1

Quinn and *Margoscin* do not compensate for the deficiencies of *Gungabeesoon*. The Office Action alleges that *Quinn* discloses a set of HTML code that includes a flag identifying the application that generated the code, and that *Margoscin* discloses a middleware program that functions as an adapter operable to interface with a user

interface and a business transaction server. (Office Action, pg. 6). Even if these allegations are correct, which Applicants do not concede, *Quinn* and *Margoscin* do not teach or suggest "the converted design-time representation of the application is generated from an original design-time representation of the application developed for use in a first run-time environment," as recited in claim 1. Therefore, *Gungabeesoon*, *Quinn,* and *Margoscin*, taken individually or in combination, do not teach or suggest all of the elements of claim 1.

Independent claims 8, 12, and 16, while differing in scope, recite elements similar to those of claim 1 discussed above. Accordingly, the rejection of independent claims 8, 12, and 16 should be withdrawn.

Dependent claims 5, 6, 7, 11, 14, and 18 depend either directly or indirectly from claims 1, 8, 12, and 16. The rejection of claims 5, 6, 7, 11, 14, and 18 is improper and should be withdrawn at least due to their dependence.

Rejection of Claims 2, 9, 13, and 17 Under 35 U.S.C. § 103(a)

Applicants respectfully traverse the rejection of claims 2, 9, 13, and 17 under 35 U.S.C. § 103(a) as being unpatentable over *Gungabeesoon* in view of *Margoscin* and *Doppelhammer*. A *prima facie* case of obviousness has not been established.

Claim 2 depends from independent claim 1. As explained above, *Gungabeesoon*, *Quinn,* and *Margoscin*, taken individually or in combination, do not teach or suggest all of the elements of claim 1. Moreover, *Doppelhammer* does not compensate for the deficiencies of *Gungabeesoon* in view of *Quinn* and *Margoscin*. That is, *Doppelhammer* does not teach or suggest "the converted design-time

representation of the application is generated from an original design-time representation of the application developed for use in a first run-time environment," as recited in claim 1 and required by claim 2 due to its dependence. Therefore, the Office Action has neither properly determined the scope and content of the prior art nor properly ascertained the differences between the prior art and the claimed invention. Accordingly, no reason has been clearly articulated as to why claim 2 would have been obvious to one of ordinary skill in view of the prior art. Claims 9, 13, and 17 depend from claims 8, 12, and 16 respectively, which each recite elements similar to those of claim 1, as demonstrated above. Thus, the rejection of claims 9, 13, and 17 is improper due to their dependence. Therefore, a *prima facie* case of obviousness has not been established and the Examiner should withdraw the rejection of claims 2, 9, 13, and 17.

CONCLUSION

In view of the foregoing remarks, Applicant submits that this claimed invention is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicant therefore requests the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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Dated: August 29, 2008

By:_____

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